

Message

From: Craig, Harry [Craig.Harry@epa.gov]
Sent: 2/16/2017 5:26:03 PM
To: Vazquez, Julio [Vazquez.Julio@epa.gov]; Hendrickson, Charles [hendrickson.charles@epa.gov]
CC: Shuster, Kenneth [Shuster.Kenneth@epa.gov]; Maddox, Doug [Maddox.Doug@epa.gov]; Mayer, Richard [mayer.richard@epa.gov]; Halstead, Sandra [Halstead.Sandra@epa.gov]; Palumbo, Janice [Palumbo.Jan@epa.gov]; Garvey, Melanie [Garvey.Melanie@epa.gov]; Dalzell, Sally [Dalzell.Sally@epa.gov]; Hunt, Stuart [Hunt.Stuart@epa.gov]
Subject: RE: RCRA for OD Grounds

Julio,

Most of this looks correct. RCRA is a major ARAR for CERCLA Remedial Actions. LDRs do not apply if wastes are left in place in the AOC, but RCRA Closure requirements do apply, including evaluation of Clean Closure and Closure in Place.

Open Burning (OB) and Open Detonation (OD) treatment and disposal practices are not the same thing, although they are often both done at the same site. OB is typically done on the surface for bulk propellants or small arms ammo, OD may include burial of the demo shot and is done for cased munitions. If you do a poor job on either OB or OD, you can end up with significant amounts of residues and bulk explosives. Sometimes DOD just buried munitions with no attempt at either OB or OD treatment. You can also get poor treatment as we have seen at Ft. Wainwright where you end up with large amounts of partially burned and buried small arms ammo.

At BRAC installations where the unit is not continuing to be used and the land is being transferred for another use, then munitions left in the ground are wastes due to the criteria in the RCRA MMR of when munitions become wastes. Just to be clear, excavation and removal of subsurface MEC from the ground makes it wastes and is subject to RCRA Subtitle C requirements, LDRs, and transportation, storage, treatment, and disposal requirements of RCRA for solid and hazardous wastes. In this situation, the RCRA Military Munitions Rule is an a ARAR and all applicable RCRA requirements apply.

We need better EPA HQ guidance on the regulatory requirements and technical expectations for RCRA Closure and CERCLA remediation of OB/OD units. We routinely get misinterpretation by the Army, Corps, and the Navy on the RCRA requirements for OB/OD units, and if you have inexperienced EPA RPMs or RCRA Corrective Action Project Officers, they will not know what they are being told by DOD is incorrect. This a subject where there should be joint CERCLA/RCRA guidance as to what is expected, and enforcement guidance as well. Perhaps the Federal Facilities Forum and the RCRA Subpart X Workgroup could work on this jointly.

Regards,

Harry

-----Original Message-----

From: Vazquez, Julio
Sent: Thursday, February 16, 2017 4:13 AM
To: Hendrickson, Charles <hendrickson.charles@epa.gov>; Craig, Harry <Craig.Harry@epa.gov>
Subject: FW: RCRA for OD Grounds

Charles and Harry,

Below is a message from the new Seneca PM. It sounds about right, but I would be interested on your opinion.

Appreciated.

Julio F Vazquez
Remedial Project Manager
USEPA Region 2
Special Projects Branch
New York

-----Original Message-----

From: Battaglia, Randall W CIV USARMY CENAN (US) [mailto:Randy.W.Battaglia@usace.army.mil]
Sent: Wednesday, February 15, 2017 10:24 AM
To: Vazquez, Julio <Vazquez.Julio@epa.gov>; Sweet, Melissa L (DEC) <melissa.sweet@dec.ny.gov>
Cc: Belanger, Todd <Todd.Belanger@parsons.com>; Badik, Beth <Beth.Badik@parsons.com>; Pommerenck, Derek A CIV USARMY CEHNC (US) <Derek.Pommerenck@usace.army.mil>; Hoddinott, Keith B CIV USARMY MEDCOM APHC (US) <keith.b.hoddinott.civ@mail.mil>; Frazier, Brett W CIV USARMY CEHNC (US) <Brett.W.Frazier@usace.army.mil>; Roos, Allen D CIV USARMY CENAN (US) <Allen.D.Roos@usace.army.mil>; Sergott, Mark S (HEALTH) <mark.sergott@health.ny.gov>; Pocze, Doug <Pocze.Doug@epa.gov>; Sivak, Michael

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Subject: RCRA for OD Grounds

Julio,

I'll be on leave until the 27th.

I want to communicate a mutual understanding of RCRA for the ODG.

An MPPEH item in the engineered cap is a waste in place under CERCLA, and a reactive hazardous waste. The preferred alternative was to surface sweep, supervise site work, and consolidate the surface soils, noting that there is the potential for MPPEH under it but not knowingly place it under the cap. Due to your continuing concern and disagreement with this, the Army is changing the preferred alternative from the engineered cap to processing the OD hill to remove MPPEH.

The Open Burning and Open Detonation (OBOD) Grounds were one Miscellaneous Unit under interim status of Subpart X of RCRA. As such, yes RCRA is an ARAR and RCRA Closure is a requirement. I want to note the following:

OBOD is specifically "thermal treatment" under Subpart X of RCRA, and specifically not a "Landfill" under RCRA. That's also a reason why, as you know, LDRs do not apply.

Noting also, that many specific RCRA requirements such as closure and groundwater monitoring may be applicable to both landfills and an OBOD Subpart X facility. Specific ARARs will be defined in the ROD of course.

The munitions disposed of by thermal treatment were considered Discarded Military Munitions when treated, and were solid wastes. As reactive wastes, they were hazardous wastes. Munitions constituents are both hazardous substances under CERCLA and hazardous constituents under RCRA.

Seneca was a large quantity generator and TSDF. All three storage units and the incinerator for small arms required RCRA Closure. The FFA deferred RCRA Corrective Action and RCRA Closure to CERCLA. All RCRA Closure actions were deferred to CERCLA, with the exception of a RCRA Closure Plan we submitted for each facility that detailed the remedial actions taken.

A risk driven remediation was accepted as clean closure under RCRA in these reviews.

As the same RCRA unit, the Open Burning Grounds ROD met RCRA Closure requirements. This ROD should be the precedent and standard for the Open Detonation area. Some standards such as TAGMs are out of date, and SCOs should be used.

Please consider this, and we can discuss it further if needed.

Randy
Randy Battaglia
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Seneca AD BRAC Environmental Coordinator/Caretaker New York District CENAN-PP-E
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